

**Recreation**

The Recreation land use category includes existing recreation lands and facilities located on lands owned by Monroe County which provide activity-based and resource-based recreation opportunities. Maximum permitted intensities of buildings required in conjunction with recreational uses will be 0.20 FAR.

**Public Buildings/Grounds**

Buildings and grounds owned by the federal, state and local governments are included in the Public Buildings/Grounds land use category. These include government offices, post offices, fire stations, and public airports. Maximum permitted intensities within this category will range from 0.10 to 0.30 FAR.

**Public Facilities**

The Public Facilities land use category includes existing public facilities such as solid waste facilities, utilities, and service providers. Maximum permitted intensities within this category will range from 0.10 to 0.30 FAR.

**Military**

The Military land use category identifies federally-owned military lands, including facilities located on Boca Chica and Rockland and Geiger Keys (Boca Chica Naval Air Station), Saddlebunch Key and Cudjoe Key. Development densities and intensities of these facilities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities consistent with natural resource constraints as well as all County environmental design criteria.

**Conservation**

The Conservation land use category consists of publicly-owned lands primarily held for the preservation of natural and historic resources and wildlife habitats. The recreational opportunities on these lands are generally limited in scope to those that are resource-based and natural resource protection is given priority over user considerations. Conservation lands are described in Section 3.18.2 of the Conservation and Coastal Management Element. Many of the Conservation lands are constrained in terms of buildable uplands as they contain substantial amounts of environmentally sensitive lands, such as mangroves and submerged lands. Since these constrained areas are not allocated any density, a FAR of at least 0.10 is necessary to allow conservation agencies to construct facilities such as visitors centers and environmental education buildings. Maximum permitted intensities of buildings required in conjunction with resource-based recreational uses intensity of use of 0.10 FAR.

**Regulated Conservation**

The Regulated Conservation overlay category identifies sensitive natural resources within which new residential or non-residential development will be prohibited. This overlay includes mangroves, submerged lands, freshwater wetlands, and undisturbed saltmarsh and buttonwood wetlands. These biological communities will remain as 100 percent open space. The boundaries of this overlay category are approximate and are subject to review on a site-specific basis following:

- (a) completion of wetlands mapping through the Advance Identification of Wetlands (ADID) Program (scheduled to be complete by September 30, 1993); and/or

- (b) site-specific designation of wetlands during the development review process.

### **Compact Community Center**

The Compact Community Center overlay category includes established commercial centers toward which new non-residential development should be directed. Included are the following seven Community Centers identified on the Future Land Use Map series which are generally located along US 1:

- (a) Key Largo Community Center (between MM 98 and 103);
- (b) Tavernier Community Center (between MM 92 and 93);
- (c) Islamorada Community Center (between MM 82 and 83);
- (d) Marathon Community Center (between MM 48 and 54);
- (e) Summerland Key Community Center (between MM 24 and 25);
- (f) Big Coppitt Key Community Center (between MM 10 and 11); and
- (g) Stock Island (between MM 4 and 5).

The Compact Community Center overlay will be used in conjunction with the Point System to discourage urban sprawl and development by encouraging infill development in established commercial areas (see Section 2.4.1D).

Maximum permitted densities and intensities shall be in accordance with underlying land use categories. New non-residential development should be encouraged in these Community Centers in order to reduce urban sprawl, protect natural resources, encourage infill development and enhance the character of the community.

### **Historic District**

The Historic District overlay category identifies historic districts for designation, protection, and preservation. These districts represent areas where documented historic resources are located within defined geographic boundaries. Maximum permitted densities and intensities shall be in accordance with the underlying land use categories. Two historic districts are identified on the Future Land Use Map series:

- (a) Tavernier; and
- (b) Pigeon Key.

### **Variable Densities and Intensities**

The County's current Land Development Regulations include both allocated and maximum net densities for residential as well as hotel-motel, recreational vehicle and institutional residential uses. Allocated density is calculated in dwelling units per gross acre, while maximum net density is calculated in dwelling units per net buildable area. The net buildable area is that area which is

developable and not in open space or required as a minimum buffer yard or setback as provided for in the Monroe County LDR's. The maximum floor area ratio is the amount of commercial floor area to be developed per unit of land on the net buildable area of the site.

The amount of development allowed on a particular site, whether residential or commercial, also depends on the Open Space Ratio allowed in the Land Use District (Sections 9.5-262, 267 & 269, LDRs,) and the OSR allowed in the habitat type(s) found on the site (Sec. 9.5-343, LDRs), which is determined through the Habitat Evaluation Index. Section 9.5-343 of the LDRs specifies that the OSR will be determined by the Land Type on the Existing Conditions Map. Sections 9.5-336 - 342 describe the procedure for the habitat analysis that is required for development proposals on lands indicated as slash pine and tropical hardwood hammock on the Existing Conditions Map. The existing conditions map refers to the "December 1985 Habitat Classification Aerial Photographs" as referenced in Policy 205.2.12 which lie on file with the Department of Planning and which reflect vegetation, natural features and developed land in the County.

This system allows for a site-by-site determination of the appropriate density and intensity each site proposed for development. In order to correct some of the deficiencies while still retaining the environmental advantages, the density regulations will be altered as follows:

- (a) Retain the Habitat Analysis Requirements, with revisions (See Coastal Management & Conservation Element).
- (b) Retain the Open Space Ratio concept. Retain both the OSRs designated for each Land Use District and for each habitat type. The most restrictive of these applies.

#### **D. Point System**

Although the Future Land Use Map will provide a basic framework for future patterns, densities, and intensities of land use, the actual amount of development, based on the critical measure of carrying capacity (hurricane evacuation clearance times), will be much less than that indicated on the map. Actual growth patterns will be determined entirely by those developments which are successful in obtaining permits through the Permit Allocation System. To be successful in this system, development proposals must compete based on performance criteria designed explicitly to implement the key public purpose criteria of carrying capacity, resource protection, and maintenance and enhancement of community character. These criteria will be implemented through a Point System which competitively "scores" development proposals based on their degree of conformance with the intent of the Future Land Use Concept. Certain development characteristics or factors will be considered to be liabilities and counted as negative points in the Point System, while other factors will be considered to be assets and counted as positive points. Although incorporation of Point System development and design elements in development proposals will be strictly voluntary, the limited annual growth allocation can be expected to create a highly competitive development arena resulting in strong motivations for maximum compliance. Developments located and designed so as to provide the greatest public benefit will have the greatest chance of being permitted in a given year.

The Point System will be implemented through the adoption of Land Development Regulations concurrent with plan adoption. The "positive" and "negative" points listed below will be considered

for inclusion in the Point System. The positive points under consideration would be assigned to developments which:

- (a) propose infill development of improved, platted subdivisions;
- (b) propose non-residential development in areas designated as Community Centers by the Future Land Use Map;
- (c) impose voluntary density reductions by proposing development on multiple aggregations of platted lots at less than the permitted density;
- (d) replace existing uses or structures considered to be blighted;
- (e) are of exemplary architectural or landscape design and enhance the community character;
- (f) utilize alternative water collection systems such as cisterns and grey water reuse systems which conserve potable water supply;
- (g) utilize wastewater treatment and disposal systems operating above adopted level of service standards or which connect to existing centralized wastewater treatment facilities and meet or exceed the adopted level of service standards;
- (h) are proposed on disturbed or scarified lands; and/or
- (i) provide affordable housing.

The negative points under consideration would be assigned to developments which are proposed in areas characterized by the following natural resources or natural hazards:

- (a) disturbed salt marsh and buttonwood wetlands;
- (b) undisturbed beach/berm areas;
- (c) Coastal High Hazard Areas (CHHA);
- (d) units of the Coastal Barrier Resources System;
- (e) undisturbed uplands (particularly high quality hammocks and pinelands);
- (f) habitats of species considered to be threatened or endangered by the state and/or federal governments, including:
  - (1) projects located within habitat areas identified as needed for the successful maintenance of the Key deer (Odocoileus virginianus clavium) in its natural environment;

- (2) projects located within a specified horizontal distance of historic nesting sites of the southern bald eagle (Haliaeetus leucocephala) and the roseate tern (Sterna dougallii) (distance to be established by the Monroe County Biologist);
- (3) projects which may adversely impact activities of the peregrin falcon (Falco peregrinus) and the piping plover (Charadrius melodus) on their wintering grounds (measures of adverse impacts to be established by the Monroe County Biologist);
- (4) projects located within hammocks which are used as habitat of the Schaus' swallowtail butterfly (Heraclides aristodemus ponceanus);
- (5) projects located within hammocks which are used as habitat of the Key Largo wood rat (Neotoma floridana smallii);
- (6) projects located within hammock which are used as habitat of the Key Largo cotton mouse (Peromyscus gossypinus allapaticola);
- (g) offshore islands; and/or
- (h) Conservation Land Protection Areas (see Section 2.4.1F) for purposes of habitat or resource protection (in addition to those listed above under item (f)).

Other positive and/or negative points may also be considered for inclusion in the Point System. For those points deemed appropriate to include in the Point System, measurable implementing criteria will be incorporated into the Land Development Regulations adopted concurrent with plan adoption. In the future, the Point System will be monitored on an annual basis and revised when necessary to include appropriate positive and/or negative point factors which may be identified by studies such as the combined Sanitary Wastewater/Stormwater Management Master Plan and the Florida Keys National Marine Sanctuary Master Plan.

Several problems exist with the proposal of adding points for infill development based on the percentage of buildout. First, the percentage of buildout for any particular subdivision is always changing. Second, no accurate data is available from which to tabulate the buildout for each subdivision. The 1991 Inventory of IS, URM and CFV lots provides an estimate, but since aerials were used for the counts, the houses obscured by trees in the aerial may have been missed. Finally, if the platted subdivisions are already served by potable water and electric lines and paved roads, promoting the infill of the most built-out subdivisions will not improve the efficiency of these public services. Any habitat protection that results from infilling the most developed subdivisions first already receive negative points for environmentally sensitive habitats and for endangered species habitats. Therefore, a graduated scale for infill development would be difficult to administer, and would provide only questionable benefit. Once information on the percentage of buildout for each subdivision is available on the County's Geographic Information System, the County should consider adding a graduated scale for infill development to the Point System.

## **E. Relief Mechanisms**

### **Vested Rights**

Developers and landowners may be granted relief from the density, intensity and/or use restrictions of the Comprehensive Plan and Land Development Regulations where they have attained "vested rights" status. Vested rights and the related concept of "equitable estoppel" arise from the County's actions in permitting proposed developments, and in the corresponding actions of landowners taken in reliance on such approvals. If landowners have proceeded far enough through the development approval process, or if substantial commitments have been made in reliance on previous development approvals, a developer may be exempt from the density, intensity and/or use provisions of the new Comprehensive Plan and Land Development Regulations (although he will not be exempt from other regulations such as concurrency, the imposition of impact fees, and a quota allocation system). Given the estimated 14,923 vacant, buildable lots remaining in the Keys (see Section 2.1.2), vested rights and equitable estoppel principles must be strictly applied in order to maintain the integrity of the Comprehensive Plan (Freilich, Leitner, Carlisle & Shortlidge, 1992).

Prior actions by County government and private entities in platting and subdividing extensive areas of the Keys and zoning such properties for various types, densities and intensities of development have contributed to development expectations which cannot be met within the carrying capacity constraints which form the basis of the Future Land Use Concept. Although ownership of a platted lot may have created an expectation on the part of the owner that he/she is "entitled" to development of one single-family unit, such ownership, in fact, does not create "vested rights" but merely recognizes an existing use or density. Zoning status alone does not establish vested rights pursuant to Florida law (Freilich, Leitner, Carlisle & Shortlidge, 1991).

The Land Development Regulations adopted pursuant to the 1986 Comprehensive Plan included specific provisions and procedures for determining which properties are vested from the requirements of the 1986 Plan. Pursuant to these provisions (Division 3, Sections 9.5-181 to 184) a total of 837 total residential units were granted vested right status.

The Future Land Use Element recognizes three categories of vested rights:

- (a) vested rights acquired through the grandfathering provision of the Florida Local Government Comprehensive Planning and Land Development Regulation Act, Florida Statutes Section 163.3167(8);
- (b) proposed developments that have received vested rights determinations under the pre-existing county administrative process; and
- (c) developers who do not qualify under the statutory grandfathering provision, but who may have secured vested rights under Florida case law subsequent to the adoption of the 1986 Land Development Regulations.

The first two categories of development should be granted vested rights without a formal administrative hearing (Freilich, Leitner, Carlisle & Shortlidge, 1992). Accordingly, the new regulations will automatically grant vested status to developments which have received:

- (a) a final development order (i.e., either an unexpired building permit or a Development of Regional Impact (DRI) order); or
- (b) an unexpired determination by the Hearing Officer in accordance with Sections 9.5-181 to 9.5-184 of the LDRs (Monroe County BOCC, 1990).

Applicants processed under the 1986 Land Development Regulations who may have attained vested rights under Florida case law should be afforded relief through a revised administrative hearing process. However, vested rights status applies only to density, intensity, or type of use. Lots with vested rights will remain subject to the growth timing provisions of the Permit Allocation System unless they have received a final, unexpired development order (Freilich, Leitner, Carlisle & Shortlidge, 1992).

Although the Permit Allocation System does not recognize properties which are platted and zoned for development as vested for purposes of growth timing, the Comprehensive Plan recognizes the need to deal sensitively and equitably with development expectations created by ownership of platted lots. Proposed relief mechanisms include use of the County's Transferable Development Rights (TDR) program and implementation of an expanded Monroe County Land Authority acquisition program.

#### **Relief through Transferable Development Rights**

In order to better protect certain environmentally sensitive sites, the 1986 Monroe County Comprehensive Plan, prepared in accordance with Chapter 380, Florida Statutes (Areas of Critical State Concern), greatly altered permitted residential development densities and intensities. In the process, some parcels were rendered unbuildable. In some cases parcels were too small to permit development of a single family unit at the new lower permitted densities. To address this problem and to avoid property "takings," as well as to preserve undisturbed and environmentally sensitive resources, a Monroe County Transferable Development Rights (TDR) program was adopted (see Section 9.5-265 of the Monroe County LDRs (Monroe County BOCC, 1990). The purpose of this program is to mitigate the impact of new development regulations on development expectations and property rights by allowing rights to develop to be transferred (or sold) from properties which are precluded from development.

Under the County's current TDR regulations, any development using TDRs must be approved as a conditional use, which requires at least Development Review Committee and Planning Director review and approval. Additional development density is allowed for TDR receiver sites, up to the maximum net density of the receiver site's Land Use District. Before a building permit is issued for development using TDRs, a deed of transfer must be recorded with a covenant prohibiting further use of the sender site, except for use as open space. Under these current provisions, TDRs may be transferred from any parcel in the County to any other, as long as the allocated density of the receiver site is greater or equal to the allocated density of the sender site, and the habitat type of the receiver site is not more sensitive than the habitat type of the sender site. TDRs may be used for the development of hotel units, but not for any other commercial development.

Table 2.33 lists the development projects for which TDRs have been proposed to be used in the County since the program's inception. Development Orders have been approved by the Planning Department for 18 development projects that have used TDRs. Approximately 25 development rights (25 units) have been transferred. Most transactions have involved fractions of one TDR. In addition, there are two proposed developments listed for which TDRs are intended to be used, but no development order has been issued. Of the twenty total projects, only five homes have received

**Table 2.33**  
**Development Projects Using Transferable Development Rights**

Number of TDRs	Development Order No.	Sender Key	Sender Zoning	Deed Restriction	Receiver Key	Receiver Zoning
12.75	13-87	Sugarloaf	SRL/NA	unknown	Vaca	SR/DR
0.34	14-89	Big Torch	NA	yes	L. Matecumbe	SR
0.62	15-89	Summerland	NA	yes	Fat Deer	SR
0.47	23-89	Summerland	NA	yes	Fat Deer	SR
0.6	27-89	Big Torch	NA	unknown	Summerland	NA
0.9	11-90	Cudjoe	NA	unknown	Summerland	SS
0.2	14-90	Summerland	NA/SS	yes	Plantation	SS
0.5	24-90	Big Pine	SR	yes	Key Largo	SR
0.6	28-90	Summerland	NA/SS	yes	Fat Deer	SR
0.6	29-90	Summerland	NA/SS	yes	Fat Deer	SR
0.2	13-90	Big Torch	NA	yes	L. Matecumbe	SR
0.23	23-90	Summerland	NA/SS	yes	Key Largo	SR
1.5	30-90	Big Torch	NA	unknown	U. Matecumbe	SR
0.3	15-91	Big Torch	NA	yes	Plantation	SS
0.3	16-91	Big Torch	NA	unknown	Plantation	SS
0.8	03-91	Key Largo	SS	unknown	Boot Key	SR
2.33	unknown	Key Largo	SR/IS	unknown	Key Largo	SR
0.6	unknown	Cudjoe	NA	PLAT	Boot Key	SR
0.68	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.513	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.267	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.466	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.467	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.467	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.464	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.47	01-92	Crawl Key #2	NA	unknown	Crawl Key #5	MU
0.4	12-91	Summerland	NA/SS	unknown	Key Largo	SR

Source: Monroe County Growth Management Division, 1992



five projects with C/Os have filed deed restrictions. Three of the six projects with permit applications on file have filed deed restrictions. Restrictions have been also been filed for four other projects.

In the majority of cases, TDRs have been transferred from a Native or Sparsely Settled Land Use District to a Sparsely Settled or Suburban Residential Land Use District for the development of single family homes. Many of the sender sites are salt marsh & buttonwood parcels in the Lower Keys, and the

Since TDR sales do not need to be documented by the County until a proposed development on the sender site reaches the development review stage (and the actual transfer takes place), the Planning Department does not have records of the amount of TDRs that have been bought and sold but have not been used. Only anecdotal information is available on TDR activity in the private sector. From this, we can conclude that TDRs are bought and sold mainly among private, individual landowners through real estate agents. Non-profit conservation organizations have also sold TDRs, and private development corporations have bought TDRs. The County has neither bought nor sold TDRs to date. The value of one TDR (for one residential unit) varies widely; \$15,000 per TDR is one estimate.

The existing TDR program has several deficiencies which should be addressed. These deficiencies include: 1) tax policy, 2) specificity of sender/receiver sites, 3) added value, 4) status of sender sites, and 5) TDR tracking.

#### **Tax Policy**

At present owners of sites which have transferred development rights continue to pay taxes on such rights until such time as development is completed at the receiver sites. Consideration should be given to transferring tax liability along with the transfer of development rights, or to requiring that the transfer take place simultaneously with the issuance of the development order on the receiving site.

#### **Specificity of Sender/Receiver Sites**

At present although general criteria have been developed to apply to sender and receiver areas, specific sender and receiver sites have not been defined. Rather, transfers can occur randomly among all land use and zoning categories which permit residential or hotel use. To be effective both sender and receiver sites should be identified, or at minimum, more explicit criteria for defining sender and receiver sites should be identified based upon such factors as the environmental characteristics of the land.

#### **Added Value**

To improve their utilization, the value and marketability of TDRs must be enhanced. Mechanisms for such enhanced value could include allowing density bonuses (above baseline permitted densities) on TDR receiver sites. Alternatively, TDR receiver sites could be given preferential treatment (points) in a Permit Allocation System.

#### **Status of Sender Sites**

At present the property assessment policy and ownership responsibility of sites which have transferred their development rights is unclear. In addition, although Section 9.5-265(6) limits the use of the sender sites to "excess open space or yard appurtenant," the appropriate deed restriction limiting the use of the sender parcel is not always being recorded as required.

Consideration should be given to requiring either public open space dedication or conservation easements to be applied to all sender sites, at the time of transfer of development rights.

### **TDR Tracking**

The Growth Management Division has kept records of the developments which apply to use TDRs through the development review and building permit process. However, no structured TDR tracking program exists at present. The County should develop a comprehensive tracking system that includes regular updates. Most importantly, the recording of deed restrictions must be monitored more carefully.

The TDR program, with some revisions, can work in conjunction with the Permit Allocation System to direct growth away from environmentally sensitive areas and into already-established residential and commercial areas. To accomplish this, five major revisions must take place:

- (1) Designate sender and receiver sites. Sensitive habitats, as well as some entire land use districts are appropriate sender sites. TDRs can be transferred away from, but not into lands exhibiting the following characteristics:

#### **SENDER SITES**

Any parcel within the following Land Use Districts:

- Offshore Island
- Mainland Native
- Native
- Sparsely Settled
- Parks & Refuge
- Conservation

Lands of the following types which lie within ANY Land Use District:

- Mangrove and freshwater wetlands
- Salt marsh and buttonwood wetlands
- High quality high hammock
- High quality low hammock
- High quality pinelands
- Beach berm
- Palm Hammock
- Cactus Hammock

#### **RECEIVER SITES**

Parcels, or portions of parcels in all Land Use Districts which are not listed as sender sites above are eligible receiver sites. In the case of IS, CFV and URM zones, which allow a density of only one dwelling unit per lot, parcels will be

eligible only as "Potential Development Credit (PDC)" receiver sites (described below.)

- (2) Change the TDR concept slightly to integrate it with the Permit Allocation System (PAS). To provide incentives for the use of TDRs, the County will award an applicant in the Residential Permit Allocation System EITHER 1 unit for each 1 development right transferred from a designated sender site, OR positive points in the Point System. In the first case, the amount of TDRs that can be transferred depends upon the allocated density of the sender site and the maximum net density of the receiver site (same as current practice.)

In the latter case, the applicant would transfer development rights away from a sender site, and would receive "Potential Development Credits" (PDCs) in the Point System only, without the ability to develop any additional units.

The amount of PDCs awarded for each TDR will depend on the ranking of the sender site & receiver site. In order to direct development away from environmentally sensitive lands, the sender sites will be ranked by habitat & zone. Receiver sites will be ranked from most desirable to least desirable according to land use district and habitat to encourage development in the less environmentally sensitive, more developed areas. One TDR from a wetland lot to a scarified site in an Urban Residential District, for example, will receive the most PDCs. This system will allow flexibility for the applicant to decide how best to use the TDR, and will aid those whose proposed development would receive a low score in the point ranking.

The following priority ranking will be used to award positive points in the Residential PAS for each TDR:

Points Awarded	Type of Sender Site	Type of Receiver Site
most points	freshwater wetland	scarified, in UR  MU IS SR
least points	SS	moderate quality low hammock in SR

- (3) Award positive points (PDCs) to commercial projects for TDRs transferred from residential to commercial land use districts. In the new Non-Residential PAS, sender sites will remain the same as in the Residential PAS. Receiver sites will be ranked

according to land use district, and whether the site is within a designated Commercial Center. Award positive points on the following scale:

<u>Points Awarded</u>	<u>Type of Sender Site</u>	<u>Type of Receiver Site</u>
most points	freshwater wetland	UC within a Commercial Center SC within a Commercial Center MU within a Commercial Center
least points	SS	SC or MU outside of a Commercial Center

In contrast to the Residential PAS, PDCs will be able to transfer from one commercial area to another. Transfers within the same Land Use District will eligible for PDCs if they are transferring them from an area outside of the Commercial Center, to a parcel within a designated Commercial Center.

- (4) Retain the Maximum Net Density concept as allowed in the current LDRs.
- (5) Revise the deed restriction section of the LDRs to require the restrictive covenant on the sender site deed at the time of Allocation Award.

Because the Residential Permit Allocation System has only been in place a few months and the Non-Residential PAS is not yet an adopted, it is not advisable to implement these changes to the PAS and TDR system right away. The Residential PAS should continue as written for at least two quarters, so that decisions on the rankings outlined above can be made using real test cases. The County will add the PDC and TDR specifications to the PAS during the first round of amendments to the Land Development Regulations, anticipated after this Comprehensive Plan becomes effective.

In addition to the above changes, a detailed assessment of the TDR program should be completed, in order to process any tax policy, added value, and tracking regulation changes by the first round of LDR amendments.

- (6) Add a policy that states the County's long term goal of eliminating the TDR system and variable densities. Include in the policy a goal of government acquisition of all lands rendered unbuildable by County regulations. This would simplify the development review process and reduce uncertainty for landowners. However, it would also necessitate that the State, County or other entity be able and willing to buy all properties rendered unbuildable. This is not feasible at this time, but may be the most desirable option if and when adequate funding is committed to land acquisition.

#### **Relief through Land Acquisition by Monroe County**

Because the Permit Allocation System does not recognize the existence of vested rights other than those associated with final development orders (building permits and approved Development of Regional Impact (DRI) orders), it does not provide immediate "relief" to all owners of platted lots or others who expect to rely upon prior platting or zoning designations. Therefore, the Permit Allocation

System may result in the denial of permits for development applications which are otherwise in conformance with all applicable federal, state and local regulations. The Permit Allocation System will include a mechanism to equitably address such impacts on affected property owners by providing qualified owners the right to offer their property for purchase by the Monroe County Land Authority.

The Monroe County Land Authority was established pursuant to Chapter 380.066, F.S., after the adoption of the 1986 Monroe County Comprehensive Plan and Land Development Regulations (LDRs). Because some of these new regulations severely restricted development in certain areas, the Land Authority was instituted to purchase land and development rights (TDRs) from owners of properties rendered unbuildable by the 1986 plan.<sup>4</sup> Beginning in Fiscal Year 1992/93, the Land Authority will reserve a portion of its annual budget for the purpose of acquiring lots from qualified property owners who have been denied building permits for four successive years in the Permit Allocation System and whose proposed developments otherwise meet all applicable county, state, and federal regulations. Additional funding will be sought from state, federal, and/or private sources to provide additional revenues for this program.

#### **F. Public Facilities**

Public facilities, including office and service buildings, uses and facilities owned or operated by a governmental agency, utility company or service provider, are currently permitted within most land use districts in Monroe County. In order to facilitate provision of future public facility expansion needs, public facilities will not be subject to the provisions of the Permit Allocation System. The following policies will be implemented to ensure that new public facilities are developed to protect natural resources and enhance community character consistent with the Future Land Use Concept:

- (a) New Land Development Regulations will be adopted which require consideration of feasible design and siting alternatives and analysis of environmental impacts for proposed public facilities.
- (b) New county buildings will be located within the Compact Community Center overlay category shown on the Future Land Use Map where feasible and compatible with adjacent land uses.
- (c) No county expenditures for new or expanded public facilities will be made in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection.

#### **G. Acquisition of Environmentally Sensitive Lands**

Fee title acquisition of real estate is the most effective means of protecting environmentally sensitive lands from direct disturbances by human activities. Elements of the Comprehensive Plan which will

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<sup>4</sup> The Land Authority received an initial appropriation of \$6,000,000 from the Legislature and authorization for two recurring revenues: a Tourist Impact Tax and a surcharge at all state parks in the Keys. As of March 1989, approximately \$3,000,000 remained from the initial appropriation and the recurring revenues generated about \$1,000,000 a year (Monroe County Land Authority, Information Brochure, March 1989).

reduce the rate of growth and direct the allocation of growth, will discourage development in many undisturbed upland communities and habitat areas of federally-designated species. However, these techniques will not guarantee permanent protection of these sensitive ecological resources. This will best be accomplished through acquisition by the federal, state or local government, or by a non-profit conservation organization, for permanent conservation purposes.

There are several large-scale state and federal land acquisition programs ongoing in the Florida Keys. These began in the Keys on a large-scale basis in the late seventies in North Key Largo and Big Pine Key. They have succeeded in protecting several thousand acres of wetlands and uplands throughout the Keys. Ongoing activities will continue to add to the inventory of protected lands, utilizing funds from the CARL Program, the Save Our Rivers Program, Preservation 2000 Funds, and Land and Water Conservation Fund. Monroe County has largely supported these acquisition programs, but has not taken on any major acquisition programs, other than that of the Land Authority for purposes of buying lots rendered unbuildable by the 1986 "Florida Keys' Comprehensive Plan".

In the future, Monroe County will have to take a more aggressive role in land acquisition as a means of protecting the sensitive natural resources of the Keys. This is needed to protect critical areas identified in the Plan which lie outside of the project limits of ongoing state and federal acquisition programs. To meet this need, a new land acquisition program is proposed - the Monroe County Natural Heritage and Park Program - the sole purpose of which will be to acquire lands and open space in the public interest for conservation and recreation purposes.

Lands to be protected through the Monroe County Natural Heritage and Park Program will include, at a minimum:

- (a) lands containing naturally occurring and native habitats;
- (b) lands containing habitat critical to, or providing significant protection for, species designated as threatened or endangered by the U.S. Fish and Wildlife Service and/or the State of Florida;
- (c) lands containing unique geologic features;
- (d) lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;
- (e) lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches; and
- (f) lands which offer the opportunity for preservation of significant archaeological or historical sites.

The Monroe County Natural Heritage and Park Program will be developed by the Monroe County Growth Management Division, in cooperation with the Land Authority, the Office of Management and Budget, the Parks and Recreation Board, and other county departments, as appropriate. Under the direction of the Growth Management Office, a Working Committee comprised of representatives of each of these departments will be responsible for structuring, financing, and administering the program.

A methodology will be developed for inventorying candidate acquisition sites and for establishing priorities for acquisition. Consideration should be given to seeking technical assistance with program organization from The Nature Conservancy.

A priority list of acquisition sites will be developed by the Working Committee. Assistance will be requested, as appropriate, with the identification and evaluation of sites from DNR, FWS, FGFWFC and The Nature Conservancy. The priority list should be updated annually.

An acquisition financing plan will be developed annually by the Office of Management and Budget. Funding sources identified at this time include:

- (a) Florida Recreation Development Assistance Program;
- (b) Preservation 2000 Trust Fund
- (c) Conservation and Recreation Lands (CARL) Program;
- (d) Land and Water Conservation Fund;
- (e) Urban Parks and Recreation Recovery (UPARR) Action Grants;
- (f) local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and
- (g) Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners.

The Growth Management Division will, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan.

Land on the Priority List will be acquired from willing sellers. The County will pursue acquisition without utilization of eminent domain.

Lands acquired through the Natural Heritage and Park Program will be managed to preserve and protect the conservation and recreation purposes for which the lands were acquired.

#### **2.4.2 Land Needed to Accommodate the Projected Population**

In developing the Future Land Use Map, one key consideration is to ensure that adequate land is available to accommodate the projected growth and development in Monroe County. As described in Section 2.4.1 above, development in Monroe County over the next ten years will be allocated to maintain hurricane evacuation clearance times for unincorporated and incorporated Monroe County at or below 30 hours. Based upon this growth limitation, the population of unincorporated Monroe County will not increase at the levels projected based on historic trends. The following sections describe the population projections based on the hurricane evacuation capacity constraint and the land needed to accommodate this growth through 2002.

## **A. Population Projections Corresponding to Hurricane Evacuation Capacity Constraints**

Population growth in Monroe County over the next ten years will correspond with the number of building permits that will be issued for new residential units. The number of building permits that will be issued in Monroe County under the hurricane evacuation capacity constraint between April 1, 1990 and September 30, 2002 will be 5,786 permits. Of these, it is estimated that approximately 2,087 will have already been permitted prior to plan adoption. Of the residual 3,699 permits to be issued in Monroe County, 1,147 residential units are to be allocated to the incorporated Cities of Key West, Layton, and Key Colony Beach. Therefore, population growth in unincorporated Monroe County between April 1, 1990 and September 30, 2002 will be derived from the 2,087 committed units and the 2,552 units to be allocated over the ten year planning horizon. (See Section 2.4.1.A for a full discussion of carrying capacity limitations.)

### **Population Projections**

Certain assumptions are necessary in order to derive population projections that reflect the residential development constraints noted above. The time lag from the date a permit is originally issued to the ultimate completion and occupancy of a residential unit can vary significantly depending on a variety of factors. For the purpose of these projections, it has been assumed that occupancy and thus population growth associated with the estimated 2,087 permits issued between April 1990 and October 1992 will occur over the five year period from 1990 through 1995. It has further been assumed that population growth associated with the residual of 2,552 permits will be distributed evenly over the ten year period from 1992 through 2002.

Other key assumptions used to derive population projections for unincorporated Monroe County under hurricane evacuation capacity constraints include the distribution of permanent and non-permanent (seasonal) residents and number of persons per household. The Permit Allocation System established provides for conventional single- and multi-family residential units with no allocation for tourist facilities (i.e., hotels, motels, campgrounds). Accordingly, the distribution of permanent and non-permanent residents used for these projections is based on the historical distribution between permanent residents and only that portion of the non-permanent resident population defined by the U.S. Census as population in seasonal households. An average of 2.17 persons per household is used in these projections for both segments of population growth based on the average number of persons per household projected in unincorporated Monroe County in 1995.

Population projections for unincorporated Monroe County based on hurricane evacuation capacity constraints and the Permit Allocation System are summarized in Table 2.34. These projections include resident (permanent resident) and seasonal population segments for 1992 (plan adoption), 1997 (plan year 5 corresponding to the 5-year Capital Improvement Program), and 2002 (plan year 10).

### **Geographic Distribution of Projected Population**

The allocation of projected population by geographic sub-area developed previously for the baseline projections has been used as the basis for the estimated distribution of projected population under the hurricane evacuation constraint. This estimated distribution is subject to variation associated with the Permit Allocation System in addition to evolving market conditions.



## **B. Land Needed to Accommodate the Projected Population**

The Future Land Use Map will need to accommodate both committed development (development permitted between 4/1/90 and 10/16/92) and development expected to be allocated through 2002. The following sections describe the amount of land that will be needed to accommodate the projected population for the land use categories shown on the Future Land Use Map series.

### **Residential Conservation**

The Residential Conservation land use category largely consists of undisturbed native vegetation and environmentally sensitive natural resources. Based on the Point System criteria of the Permit Allocation System, residential development is generally expected to be directed away from this land use category. Although it is possible that some vacant lands classified as Residential Conservation will be developed, for the purposes of this analysis it has been assumed that zero acres of this land use category will be needed to accommodate the projected population.

### **Residential Low**

The Residential Low land use category includes areas which have been partially developed at low densities and still contain native vegetation. As with the Residential Conservation land use category, the Point System criteria is generally expected to direct residential development away from this land use category. Therefore, for the purpose of this analysis it has been assumed that zero acres of this land use category will be needed to accommodate the projected population.

### **Residential Medium and Residential High**

As shown in Table 2.35, approximately 1,281 single-family units projected to be committed prior to October 1992, while 2,042 single-family units are expected to be permitted between 1992 and 2002, for a total of 3,323 single-family units. Based on the Point System criteria expected to be implemented as part of the Permit Allocation System, it is expected that the majority of this development will occur in improved, platted subdivisions. Therefore, assuming these units are developed at densities associated with the Residential Medium land use category on the Future Land Use Map, with densities ranging from 3 and 5 dwelling units per acre<sup>5</sup>, between 665 and 1,108 acres will be needed to accommodate this single-family residential development.

Similarly for multi-family development, 548 units are expected to be committed prior to October 1992, while approximately 510 units are expected to be permitted between 1992 and 2002, for a total of 1,058 units. Assuming that these units developed at densities associated with the Residential High land use category, with densities ranging from 6 to 12 units per acre, between 88 and 132 acres will be needed to accommodate this development.

It should be noted that a total of 3,323 single-family residential units are expected to be permitted between 1990 and 2002. As established in Sections 2.1.2 and 2.4.1D, there are currently 14,923 vacant, buildable lots in unincorporated Monroe County toward which residential development will be directed. It is clear that there is sufficient vacant land within existing subdivisions to accommodate this residential development between 1990 and 2002.

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<sup>5</sup>Although the density of the Residential Medium land use category ranges from 3 to 8 dwelling units per acre, the Point System is expected to encourage developments at less than permitted density by awarding positive points to developments which impose voluntary density reductions by aggregating platted lots.

**Table 2.34**  
**Projected Population by Type and Geographic Distribution**  
**Under Hurricane Evacuation Constraint**  
**Unincorporated Monroe County**  
**1990 - 2002**

<b>Year</b>	<b>Resident</b>	<b>Seasonal</b>	<b>Total Functional</b>
<b>1990</b>			
Lower Keys	18,065	8,647	26,712
Middle Keys	13,945	12,942	26,887
Upper Keys	20,022	21,521	41,543
<b>Total</b>	<b>52,032</b>	<b>43,110</b>	<b>95,142</b>
<b>1992</b>			
Lower Keys	18,370	8,754	27,124
Middle Keys	14,205	13,065	27,270
Upper Keys	20,829	21,731	42,560
<b>Total</b>	<b>53,404</b>	<b>43,550</b>	<b>96,954</b>
<b>1997</b>			
Lower Keys	19,454	9,021	28,475
Middle Keys	15,022	13,464	28,486
Upper Keys	23,080	22,395	45,475
<b>Total</b>	<b>57,556</b>	<b>44,880</b>	<b>102,436</b>
<b>2002</b>			
Lower Keys	19,984	9,157	29,141
Middle Keys	15,331	13,666	28,997
Upper Keys	24,338	22,732	47,070
<b>Total</b>	<b>59,653</b>	<b>45,555</b>	<b>105,208</b>

Note: Incorporated areas of Key West, Key Colony Beach and Layton are not included.

Source: U.S. Census 1990; PriceWaterhouse

Table 2.35

**Land Needed to Accommodate the Projected Population (1990-2002)**

	<b>Residential Medium (1) (units)</b>	<b>Residential High (2) (units)</b>	<b>Mixed Use/Commercial (3)</b>		<b>Institutional (SF)</b>
			<b>Hotel/Motel (units)</b>	<b>Commercial (SF)</b>	
Total Committed Development (4)	1,281	548	258	314,211	78,335
Development to be Permitted Between 1992 and 2002 (5)	2,042	510	0	488,000	122,000
Total Development to be Accommodated	3,323	1,058	258	802,211	200,335
<b>Density/Intensity Range (6)</b>					
High Density	5	12	15	0.4	0.4
Low Density	3	8	10	0.3	0.3
<b>Land Needed (Acres)</b>					
High Density	665	88	17	46	11
Low Density	1,108	132	26	61	15

(1) Residential Medium includes single-family units and mobile homes.

(2) Residential High includes multi-family units.

(3) Mixed Use/Commercial includes hotel/motel units and all other commercial development.

(4) Estimated committed development between 4/1/90 and 10/16/92 from Tables 2.12 and 2.13.

(5) Based on the hurricane evacuation constraint, approximately 2,552 residential units will be permitted between 1992 and 2002, of which 80 percent will be single-family and 20 percent will be multi-family. No new hotel/motel development will be permitted between 1992 and 1997; it is not currently known if hotel/motel development will be permitted between 1997 and 2002. Approximately 610,000 square feet of non-residential development will be permitted between 1992 and 2002.

(6) Range of anticipated densities and intensities. Residential Medium, Residential High and the Hotel/Motel densities portion of Mixed Use/Commercial expressed in units/acre; non-residential intensities expressed in Floor Area Ratio (FAR).

## **Mixed Use/Commercial**

### **Hotel/Motel Commercial**

Although no hotel/motel development will be permitted between 1992 and 2002, approximately 258 hotel/motel units are projected to be committed prior to plan adoption. Prior to September 30, 1997, new regulations will be implemented which either further prohibit hotel/motel development for the remainder of the ten year period (1997 through 2002) or establish that a percentage of the remaining residential growth over this period will be allocated to transient dwelling units. For the purposes of estimating the amount of land needed to accommodate the projected population, it has been assumed that no further hotel/motel development will be permitted between 1997 and 2002. Assuming the 258 hotel/motel units are built at densities associated with the Mixed Use/Commercial, densities of 10 to 15 units per acre, between 17 and 26 acres will be needed to accommodate this development.

### **General Commercial**

Approximately 314,211 square feet of commercial development is projected to be permitted prior to plan adoption. In addition, based on recent permitting trends, approximately 488,000 square feet of the 610,000 square feet of non-residential development over the 1992-2002 period is expected to be commercial development. Therefore, the total for commercial development is 802,211 square feet. Assuming this development occurs at intensities associated with the Mixed Use/Commercial land use category on the Future Land Use Map, with Floor Area Ratios (FAR) ranging from 0.3 to 0.4, between 46 and 61 acres will be needed to accommodate this development.

### **Mixed Use/Commercial Fishing**

This land use category includes established concentrations of commercial fishing and marine-related commercial uses, generally along waterfront locations. A review of the Future Land Use Map indicates that almost all of the land uses designated as Mixed Use/Commercial Fishing are located outside of the Commercial Center Overlay and within the Coastal High Hazard Area (CHHA). Based on the Point System criteria of the Permit Allocation System, it is expected that commercial development will generally not be directed toward the Mixed Use/Commercial Fishing land use category. Therefore, for the purpose of this analysis, it has been assumed that zero acres of the land use category will be needed to accommodate the projected population and that all of the commercial development to be permitted between 1992 and 2002 will be accommodated in the Mixed Use/Commercial land use category.

### **Industrial**

The Industrial land use category provides for industrial, manufacturing, and warehouse and distribution uses which have traditionally have occupied a small percentage of Monroe County land uses (Industrial lands currently account for less than one percent of the land area of Monroe County). A measure of absorption potential for industrial lands is provided by the development permitted between April 1, 1990 and October 1, 1991 (see Committed Development Section 2.1.8). During this period, there was no development classified as industrial. Development classified as Heavy Commercial/Storage, which may include an industrial component, has been classified as commercial and has been taken into account in the measure of Mixed Use/Commercial land needed to accommodate the projected population.

**Agriculture/Mariculture**

The Agriculture/Mariculture land use category provides for uses which also occupy a small percentage (approximately 0.1 percent) of the land area of Monroe County. Recent permitting activity indicates there has been no demand for agricultural/maricultural uses, and it is expected that zero acres of Agriculture/Mariculture lands are needed to accommodate the projected population.

**Institutional**

Approximately 78,335 square feet of institutional development is projected to be permitted prior to plan adoption. In addition, based on recent permitting trends, approximately 122,000 square feet of the 610,000 square feet of non-residential development to be permitted over the 1992-2002 period is expected to be institutional. Therefore, the total for institutional development is 200,335 square feet. Assuming this development occurs at intensities associated with the Institutional land use category on the Future Land Use Map, with FARs ranging from 0.3 to 0.4, between 11 and 15 acres will be needed to accommodate this development.

**Education, Public Buildings/Grounds, and Public Facilities**

The Education, Public Buildings/Grounds, and Public Facilities land use categories provide for development which provides public services. Since the demand for these services is related to the existing and future population, it can be assumed that the demand for additional land to provide these services will be proportional to the increase in population. The application of this methodology yields the following:

Future Land Use	Existing Acreage	% Population Increase (1992-2002)	Total Land Area Required	Net Demand (Acres)
Education	106.4	10.6	117.7	11.3
Public Buildings/ Grounds	60.8	10.6	67.2	6.4
Public Facilities	539.1	10.6	596.2	57.1

As indicated, approximately 11.3, 6.4, and 57.1 acres of the Education, Public Buildings/Grounds, and Public Facilities land use categories, respectively, may be required to accommodate the projected population. It should be noted that this may overstate the requirements for these categories since certain public facilities and buildings, such as post offices, fire stations, schools and utility facilities, may currently have adequate capacity to provide services to a larger population.

**Recreation**

As established in the Recreation and Open Space Element, approximately 17 acres of activity-based neighborhood and community parks will be needed by 2002 to provide adequate recreation areas consistent with adopted LOS standards.

**Military**

The Military land use category includes federally-owned military lands. For the purposes of this analysis, it can be assumed that the development needs of the military will be accommodated on existing military lands and that zero acres of the Military future land use category are needed to accommodate the projected population.

### **Conservation**

The Conservation land use category includes publicly-owned lands held primarily for the preservation of natural and historic resources and environmentally sensitive habitats. Although additional Conservation lands will likely be acquired in Monroe County by public agencies, these acquisition efforts will be to conserve natural resources and habitats and not to accommodate the projected population. Therefore, zero acres of Conservation lands are required to accommodate the projected population.

### **Total Land Needed to Accommodate the Projected Population**

The previous sections established the amount of land that will be needed to accommodate development for the land use categories shown on the Future Land Use Map. Since the exact densities and intensities of the projected development cannot be determined, ranges of densities and intensities of development have been used to estimate both the minimum and the maximum amount of land that will be needed to accommodate this development. Based on the analyses discussed above, the minimum amount of land that will be needed to accommodate the projected population is 918 acres, while the maximum amount is 1,433 acres.

The majority of land needed to accommodate the projected population (approximately 75 percent) is expected to be associated with future single-family residential development. It is expected that the Point System (see 2.4.1D) will direct this residential development into improved, platted subdivisions characterized by disturbed or scarified vegetation.

## **2.4.3 Need for Redevelopment**

### **A. Overview of Redevelopment Need**

In addition to properly managing growth pressures consistent with measures of carrying capacity and environmental suitability, the comprehensive plan should seek to avoid decline and deterioration within its older developed areas. Like most other communities in Florida, Monroe County does contain areas where socio-economic problems of low income and/or crime are in evidence along with obsolete land uses and deteriorating building and infrastructure conditions. Appropriate responses to such conditions can include indirect actions such as monitoring, and proactive code enforcement, more direct investments in renovation of buildings and public facilities, or proactive community revitalization and redevelopment. Where such deterioration is severe or widespread some communities choose to pursue redevelopment as provided under Florida's Community Redevelopment Act.

Chapter 163, Part III, Florida Statutes, Florida's Community Redevelopment Act, clearly indicates that redevelopment of slum and blighted areas is a matter of public purpose with direct consequences on the public health, safety, morals and welfare. This enabling legislation confers certain powers necessary to implement redevelopment, including but not limited to, eminent domain, police powers, and the use of tax increment financing.

As a first step in the redevelopment process, as enabled by the Community Redevelopment Act, counties and municipalities may choose to adopt a resolution finding the existence of slum or blighted areas or areas with a shortage of low-moderate income housing, and also finding that the rehabilitation, conservation or redevelopment of such areas is necessary in the interest of public health, safety, morals and welfare. Upon such a Finding of Necessity, for which extensive factual documentation is required,

the Community Redevelopment Act provides for the creation of a Community Redevelopment Agency which can be empowered by the Governing Body to prepare and execute Community Redevelopment Plans.

As defined in Florida's Community Redevelopment Act indicators of need for revitalization can include the following general factors:

- (a) dilapidated or deteriorated structures;
- (b) overcrowded, unsafe conditions;
- (c) defective or inadequate street layout, inadequate parking or roadways, or bridges or transportation facilities having inadequate capacities;
- (d) faulty lot layouts;
- (e) unsanitary or unsafe conditions;
- (f) tax delinquencies; and
- (g) diversity of ownership or defective title conditions.

Based upon various combinations of these broad indicators, several areas of unincorporated Monroe County could be interpreted to be in need of some level of revitalization or redevelopment. Specific examples include residential structures, including mobile homes, which are located in unsafe areas; deteriorated commercial and residential areas; areas of fragmented ownership; and many areas potentially constrained by inadequate infrastructure, particularly sanitary sewers, drainage and roadways. Also, several areas of Monroe County could be considered to be in need of redevelopment based on the criteria of inadequate affordable housing.

#### **B. Redevelopment Need Target Areas**

Within unincorporated Monroe County no Community Redevelopment Areas have been established in accordance with Chapter 163, Part III, Florida's Community Redevelopment Act. Nor has any Finding of Necessity been prepared or adopted by the Monroe County Board of County Commissioners identifying specific locations of "slum" or "blighted" conditions. However, such a Finding of Necessity has been prepared for Bahama Village and Key West Bight, in the City of Key West.

In the absence of official designations of revitalization or redevelopment areas by action of the Board of County Commissioners, a preliminary review of existing conditions indicates that some four specific locations in unincorporated Monroe County may be in need of some degree of revitalization or development. These potential revitalization and redevelopment areas are described as follows:

##### **"The Rock" - Marathon**

The area of Marathon commonly known as "the Rock" extends from the Florida Department of Transportation property on Fourth Street to the borrow pit beyond First Street. Consisting of several older subdivisions surrounded by a maritime industrial area between Florida Bay and U.S. 1, the land use pattern is largely residential, mixed with neighborhood commercial establishments. Numerous,

socio-economic as well as physical conditions point to a need for revitalization and/or redevelopment in this area. The majority of the residential structures are forty to fifty years old, and are primarily renter-occupied. A large proportion of structures exhibit signs of inadequate maintenance, deterioration, and in some cases, dilapidation. Economic obsolescence is also in evidence by the pattern of vacant and abandoned structures. Infrastructure systems are also suspected of being inadequate with aging septic systems and some indications of inadequate potable water transmission lines. Socio-economic factors also point to a need for revitalization, including low household incomes, reliance on government assistance programs, and a high incidence of crime.

In response to these indicators of need for revitalization this area has been targeted for improvements utilizing Community Development Block Grant (CDBG) funding. Most recently through CDBG funding in 1987, the County rehabilitated 44 apartments, a day care center and upgraded fire protection facilities.

### **Hibiscus Park - Key Largo**

Hibiscus Park is a small, one-street subdivision that extends between U.S. 1 and the Atlantic Ocean near Mile Marker 101, south of the Tradewinds shopping center in Key Largo. It is a predominantly low-income, Black neighborhood that is known as a drug-related high crime area. Several dilapidated or deteriorating commercial buildings, at least one abandoned, mark the entrance to the subdivision on U.S. 1. The residential section consists of mixed mobile homes; single family, wood frame houses, and duplexes. Many of these are rental properties that are either deteriorating or potentially dilapidated.

The neighborhood is surrounded by vacant, wooded areas that isolate it from the commercial uses to the north and residential uses to the south. Although platted in 1956 as two blocks, the eastern half of the subdivision was never developed and is now zoned Native.

Overcrowding is considered a problem with many lots having more than one home or trailer, contrary to the subdivision plat and to present zoned density. This overcrowding may also be an indicator of inadequate public facilities.

An active neighborhood group has been working to improve the safety and living conditions in Hibiscus Park, and Monroe County has begun to focus cleanup and rehabilitation efforts in the neighborhood. The Sheriff's Department is making a concentrated effort to decrease the drug-related crimes in the area. The County intends to apply for CDBG funding for rehabilitation efforts in Hibiscus Park.

### **Stock Island**

The unincorporated portion of Stock Island south of US 1 is a large, older, mixed use area containing residential, commercial, industrial, and commercial fishing land uses. Commercial uses are centered around US 1 and Maloney Avenue; the southern area consists of commercial fishing and marine-related tourist commercial uses; and residential areas are generally located in between. Industrial uses, especially maritime industrial businesses, are scattered among the commercial areas.

Stock Island includes some of the oldest subdivisions in the Keys. Residential areas include single family homes and multi-family dwellings, but are predominated by mobile home parks. Several of these are overcrowded and in need of repair and rehabilitation. Unsafe and unsanitary conditions are



suspected, including inadequate infrastructure. Drainage is a problem in several areas. No parks exist on Stock Island, which further detracts from the area's residential quality of life.

The commercial character of the area has evolved from a traditional commercial fishing area with neighborhood commercial uses to fishing and tourist-oriented commercial uses. Competition between these two types of water-dependent uses has increased in recent years as the Key West area attracts more tourists.

Large vacant tracts are scattered among the commercial and residential areas, some of which have become threats to health and safety because of the accumulation of refuse. Compounding the fragmented land use pattern and the poor residential environment is the evidence of crime in the area.

#### **Sands Subdivision**

Sands Subdivision is located between Sands Road and Florida Bay immediately north of US 1. Platted in 1914, it is one of the oldest subdivisions in the Keys, and one of the largest on Big Pine Key. It includes 787 platted lots, fifty five percent of which are developed, primarily with trailers. The single-family houses and trailers tend to be older, and some are suspected to be in substandard condition. Many of the trailers are now nonconforming according to current land development regulations. Exacerbating the fragmented development pattern and poor structural conditions are the unimproved, unlighted streets which contribute to the areas poor character and perceived unsafe conditions.

Although the above-referenced four areas exhibit signs indicating a need for revitalization and/or redevelopment activities, other areas could experience decline in the future as well. Areas for which the monitoring of conditions is appropriate include Big Coppitt Key and East Rockland Key. Specific problem indicators on Big Coppitt Key include a high incidence of drug-related crime and some deteriorating trailers that may pose health and safety concerns. Rockland Hammock Subdivision on East Rockland Key is an area severely impacted by noise within the ACUIZ associated with the Boca Chica Naval Air Station. Although no development is presently permitted in the area, some existing nonconforming commercial and residential uses remain in an area poorly serviced by public facilities. Because of the poor quality of environment and prohibitive regulations, continued disinvestment and deterioration can be anticipated.

#### **2.4.4 Analysis of Proposed Development of Floodplains**

Floodplain areas within Monroe County as defined by the Federal Emergency Management Agency include the 100-year floodplain (Zone AE) and the velocity zone (Zone VE) (see Section 3.7 of the Conservation and Coastal Management Element). Most of the Florida Keys lie within the 100-year floodplain (see Section 3.7). Exceptions include strips of land along US 1 on Key Largo, Plantation Key, Windley Key, and Plantation Key as well as other small areas.

Because most of Monroe County lies within the 100-year floodplain, the effects of the Future Land Use Plan on floodplain areas will be similar to the effects on the County as a whole. The Permit Allocation System and Point System described in Section 2.4.1 will alter the rate and distribution of future growth consistent with the major premises of the plan: maintaining the carrying capacity limitations set by hurricane evacuation; protection of natural resources; and enhancement of community character. Implementation of the Permit Allocation System will result in a reduction in the rate of future growth in floodplain areas compared to historic growth trends. Implementation of the Point System will direct growth away from areas particularly susceptible to hurricane damage within the 100-year floodplain by

assigning a negative point to developments proposed within the Coastal High Hazard Area (CHHA) (see Section 2.4.1D).

## **2.4.5 Economic and Fiscal Impacts of the Future Land Use Alternatives**

The following section describes a comparison of the costs associated with three land use alternatives for the future growth and development in Monroe County, namely:

**NO GROWTH:** Stopping all new development immediately and purchasing property rendered unbuildable;

**MODERATE GROWTH:** Slowing the pace of growth, reducing densities and guiding growth to reduce environmental impacts and improve community charter. Approximately 255 residential units per year; and

**TREND GROWTH:** Maintaining recent high rates of growth with no additional restrictions while providing all public services at mandated levels of services. Approximately 552 residential units per year.

These three conceptual choices are evaluated and ranked below based on four measures of economic and fiscal impact.

### **1. Deficit Related Capital Improvements**

It may seem reasonable that costs to fund capital improvements necessitated by growth should be proportional to the level of anticipated growth. It may also seem reasonable that a "No Growth" scenario should imply a no capital cost scenario. However, these assumptions do not always apply, namely because many, if not most, of the capital improvement needs of Monroe County are related to the correction of existing deficiencies or the attainment of new levels of service to serve existing residents. Thus, even under "no growth" Monroe County must raise Card Sound Road, and widen the 18 mile stretch and the MM 80-90 stretch to meet hurricane evacuation clearance policies. Similarly, Monroe County must retrofit poorly operating septic systems in order to address water quality problems even if growth were halted.

Table 15.4 of the Capital Improvements Element identifies all projected capital improvement needs of Monroe County of which \$34.9 million are obligations of Monroe County government. These capital requirements programmed for the next five years include some \$28 million for road and airport improvements and another \$6.9 million for park acquisition and development and for preparation of a Sanitary Wastewater/Stormwater Management Master Plan. With the exception of a small portion of the identified park acquisition and development needs (approximately \$1.2 million) virtually all of the capital needs are aimed at correcting past deficiencies, not servicing future growth. Thus, the same costs for correcting past deficiencies are incurred under "no growth" as well as "moderate growth" and "trend growth" scenarios.

### **2. Capital Improvements Necessitated by Future Growth**

The following describes the probable relative costs of capital improvements necessitated by No Growth, Moderate Growth and Trend Growth Scenarios.

### **Schools**

Under "trend" conditions total households in unincorporated Monroe County are expected to grow from 22,564 with an average size of 2.21 persons in 1990 to 32,402 households at an average size of 2.06 persons by 2010. In 1990, the total school enrollment was 8,232 students or approximately 0.23 enrolled students per household throughout Monroe County. Thus under trend growth total student enrollment in unincorporated Monroe County could increase by as much as 2,263 students representing a 27% increase over 1992 levels. Although the precise age and geographic distribution of this enlarged enrollment is subject to some speculation this level of enrollment growth could necessitate the construction of one additional elementary school, one additional middle school with some high school expansion as well over the 20 year planning horizon. Total capital costs could range from \$15 - \$20 million.

Moderate growth, or the addition of approximately 255 households per year for ten years, represents a prospective increase in school enrollment of about 586 students, or a relatively modest 7% increase over present enrollment. It is likely that this increase can be accommodated without the construction of any additional schools beyond the currently planned elementary school. However, some capital expenditures to existing schools could be anticipated to meet the needs of a moderately expanding enrollment estimated to be on the order of \$2-\$3 million.

### **Parks**

As noted in the Capital Improvement Element, Monroe County currently has a deficit of 10.5 acres of parkland that must be provided even under a "no growth" scenario.

Under a "moderate growth" scenario a growth rate of 255 units over 10 years would further increase activity-based park deficits to approximately 17.3 acres, or about 6.8 acres beyond what is necessary to serve existing residents. This additional capital cost to serve a "moderate growth" scenario is estimated to be \$1.9 million.

Under "trend growth", by 2010, total functional population would exceed that which would occur under the moderate growth scenario by some 25,366 persons. This translates into an additional need for 21 acres of developed activity-based parks, representing an additional incremental cost of approximately \$5.7 million more than experienced under "moderate growth" and \$7.6 million more than would be experienced under "no growth."

### **Potable Water**

Potable water service is provided to Monroe County by the Florida Keys Aqueduct Authority (FKAA). The FKAA maintains its own capital improvement program independent of that of Monroe County, funded by a combination of rates, charges and fees. System needs identified through 2005 are estimated to be \$37.9. Although these improvements are sufficient to meet the needs of "trend growth" through this period, the bulk of the improvements are aimed at improving system efficiency and will thereby be needed even under a "no growth" policy. Additional improvements if any, necessary to serve "trend growth" beyond 2005 have not been estimated. However, such costs as noted above would be borne by FKAA, not Monroe County.

## **Roads**

The "moderate growth" scenario contemplates four major road improvement initiatives as follows:

Improvement to Card Sound Road	\$ 11.0 million
Improvement to 18 mile stretch	\$112.0 million
Improvement to MM 80-90 stretch	\$ 16.9 million
Selective improvements to U.S. 1 on Big Pine Key, MM 30.4-31.1 and MM 29.7 - 29.8	\$ 0.5 million

Of these improvements totaling some \$140.4 million, all, except for the U.S. 1 improvements on Big Pine Key, are necessitated by policies to maintain hurricane evacuation clearance times at 30 hours in 2002 and 24 hours by 2010.

Therefore, with the exception of the \$500,000 improvements to U.S. 1 on Big Pine Key these same improvements are necessitated even under a "no growth" scenario to maintain hurricane clearance time policies.

In order to meet traffic LOS standards and the hurricane clearance times standards under a "trend growth" scenario, an additional two lanes may well be required for all of US 1 over its entire length on US 1 north of Key West, beginning with six laning of US 1 in Key Largo. Total present day costs of these improvements is estimated to be \$498.7 million of which \$163.7 million would be allocated for road widening and \$235 million would be allocated to widening the 42 U.S. 1 bridges.

## **Drainage**

There are very few functioning public drainage systems in Monroe County. The present inadequate drainage systems are known to contribute to water quality problems. Monroe County has committed to preparing a Sanitary Wastewater/Stormwater Master Plan through which existing deficiencies will be rectified. The cost to rectify existing deficiencies are the same under "no growth" as they are under "moderate growth" and "trend growth". All new development under both "moderate growth" and "trend growth" must meet or exceed the criteria established by the South Florida Water Management District or the new stormwater management ordinance for single-family lot owners. Costs of compliance are borne by individual property owners, not by Monroe County. Consequently, there is not concluded to be a major cost differential to be borne by Monroe County for drainage improvements under "no growth", "moderate growth" and "trend growth" scenarios.

## **Sanitary Sewer**

Similar to the absence of area wide stormwater drainage systems, Monroe County has no existing or planned central sewer collection and treatment system. Rather, wastewater treatment and disposal is provided by privately owned and operated on-site treatment and disposal systems (i.e. Septic tanks, package treatment plants, etc.), in accordance with existing criteria established by state and local law. Monroe County has committed to preparing a Sanitary Wastewater/Stormwater Master Plan aimed in part at correcting identified deficiencies among existing systems and identify appropriate operational standards for new systems including those that may be built by Monroe County. As with drainage system the cost to remedy problems

with existing development will be borne under all growth scenarios, "no growth", "moderate growth" and "trend growth". Similarly the cost to construct (or tie into) new systems will be borne incrementally by new developments either directly or through impact fees. Thus, there is not concluded to be a major public cost differential associated with "no growth", "moderate growth" or "trend growth".

#### **Solid Waste**

Solid waste collection, recycling and disposal in Monroe County is managed by the Division of Environmental Management (DEM). In December 1990, Monroe County entered into a five-year contract with Waste Management, Inc. (WMI) to haul solid waste to WMI's landfill in Broward County. The haul out costs through 1995 are considered to be operating rather than capital expenses. The Monroe County DEM has initiated the selection process for alternate solid waste processing and disposal needs beyond the haul out period and will evaluate alternative technologies for implementation based upon cost effectiveness and other criteria. It is currently anticipated that capital projects required to implement alternative solid waste processing and disposal technologies will be identified for incorporation into the Comprehensive Plan Five-Year Schedule of Capital Improvements and County Improvements Program by January 1, 1993. Thus there is no presently quantifiable capital cost differential associated with solid waste under "no growth", "moderate growth" and "trend growth" scenarios.

As indicated on the following summary chart the incremental capital costs to serve the "moderate growth" levels as called for in the Comprehensive Plan are relatively modest, at \$4.4 - \$5.4 million above levels required under "no growth" to correct existing deficiencies or meet new levels of service or hurricane evacuation clearance standards. This is due largely to the fact that the "moderate growth" scenario was explicitly tailored to measures of carrying capacity. However, under continued "trend growth" Monroe County must inevitably build several new schools, many acres of new active parks as well as many miles of new bridges and lanes of U.S. 1. Total additional capital costs to serve "trend growth" exceeds \$421 million.

#### **CAPITAL COSTS TO SERVE GROWTH LEVELS (1)**

	Moderate Growth		Trend Growth
Schools	\$2 - \$3	million	\$15 - \$20 million
Parks	\$1.9	million	\$7.6 million
Roads	\$0.5	million (2)	\$399.9 million
Drainage	NA	NA	
Sanitary Sewer	NA	NA	
Solid Waste	NA	NA	
Total Capital Costs	\$4.4 - \$5.4 million		\$421.6 - \$426.6 million

- (1) In addition to capital investments necessary to correct existing deficiencies with no additional development.
- (2) Improvements to US 1 on Big Pine Key

### **3. Land Acquisition Associated with Growth Constraints**

Under a "no growth" scenario virtually all vacant land would be prohibited from developing. In such a circumstance Monroe County may choose to compensate some or all owners of

vacant land. If such an acquisition were based on recent tax assessments the costs would be staggering; up to approximately \$850 million to purchase all vacant property, commercial as well as residential, unbuildable as well as buildable. However, if such acquisitions were limited to buildable platted lots, costs of approximately \$400 million could be anticipated. Although outside funds could be sought for such a massive acquisition, there is at present no identified combination of sources with this magnitude of available funding.

Under the "moderate growth" permit allocations system permit applicants who are repeatedly denied a building permit would be entitled to request that Monroe County purchase their property. Based on the assumptions stated herein these acquisition costs could range from approximately \$2-\$5 million annually. A portion of these costs could be borne by current available funding of the Monroe County Land Authority. In addition, because such acquisition would not begin until approximately 1997, Monroe County has some four years to investigate and secure ancillary funding from state, federal and/or foundation sources.

Because "trend growth" would deny no development expectations, other than through the effects of present zoning and land development regulations, there would be no associated property acquisition cost.

#### **4. Impact on Property Assessment Beyond Present Land Development Regulations**

It is noted that present land development regulations, specifically provisions for conditional uses and performance zoning has created uncertainties regarding permitted uses and development densities. These uncertainties directly affect the ability of the Monroe County Tax Assessor to assess property values and levy ad valorem taxes. Under a "no growth" scenario all such doubt would be removed. Because the ability to develop vacant land would be eliminated the taxable value would be reduced to very low levels, even if Monroe County did not purchase all vacant land and remove it from the tax rolls. Thereby Monroe County could lose as much as 15% of its ad valorem revenue.

The "moderate growth" approach does not dramatically alter the permitted uses of property, although it calls for more specificity in the uses permitted by present land development regulations. However, in order to achieve moderate growth rates, a permit allocation system will affect the timing of development and alter its geographic distribution. It is generally accepted that property assessments are influenced to a greater extent by permitted uses than by development timing. Nevertheless, the point system criteria which will create the competitive framework in which permits will be issued may have some effect on the market value of individual properties. Properties which would tend to score "high" in the point system could be expected to increase in value and properties which are considered less desirable for development may decrease in value. The net effect of these counterbalancing forces on the property tax roll is not possible to predict. It is possible however to examine the impact of removing from the tax roll approximately \$2-\$5 million in vacant land annually. Applying a 5 mill rate, on the order of \$10,000 to \$25,000 in ad valorem revenues would be lost annually, a minute percentage of the Monroe County ad valorem tax base. Because the proposed point system incorporates measures to encourage voluntary density reductions and lot aggregations (thereby reducing development expectations) there will likely be a reduction in the assessed value associated with permit applications which choose to take advantage of this provision.

Because the "trend growth" scenario allows virtually all vacant property to develop as the market dictates it produces no further reduction in the property tax base.

## **5. Summary Comparison of Costs**

Monroe County has only three choices for managing its future growth and development:

- (a) allow growth to continue at past rates and prepare to pay for necessary services and facilities;
- (b) stop growth and prepare to compensate property owners who are denied the right to build; and
- (c) reduce growth to manageable rates, guide it to reduce and prepare to pay for limited capital improvements and limited property acquisition.

The extremes among the options, stopping growth or allowing it to continue at historic levels, are prohibitively expensive relative to resources presently available to Monroe County.

Under No Growth, Monroe County must:

- (a) implement all capital improvements necessary to correct deficiencies, meet new levels of service and reduced hurricane evacuation times;
- (b) prepare to buy properties rendered unbuildable, ranging from approximately \$400 million to over \$800 million; and
- (c) compensate for lost ad valorem revenues on vacant land.

Under Trend Growth, Monroe County must:

- (a) implement all capital improvements necessary to correct deficiencies, meet new levels of service and reduced hurricane evacuation times;
- (b) provide over \$400 million for additional improvements for schools, parks and for widening virtually all of US 1 and its bridges; and
- (c) incur substantial additional environmental degradation.

Under Moderate Growth, Monroe County must:

- (a) implement all capital improvements necessary to correct deficiencies, meet new levels of service and reduced hurricane evacuation times;
- (b) prepare to purchase properties from a limited number of owners repeatedly denied building permits by the Permit Allocation System beginning in 1997 (estimated at up to \$5 million/year;
- (c) provide modest additional capital improvements to serve growth (approximately \$5 million); and
- (d) assemble resources for a larger scale property acquisition program after 2002.

There is no doubt that even a Moderate Growth scenario is expensive for Monroe County, primarily because of the inadequate infrastructure systems relative to accepted levels of service and measures of environmental protection, in addition to the extreme excess of development expectations (platted land) relative to the Keys' carrying capacity. However, it is clear that Moderate Growth is the least costly among the three options, because it avoids the additional capital improvements necessitated by Trend Growth of over \$400 million, and because it postpones and greatly reduces the property acquisition costs associated with No Growth, which also exceed \$400 million.

#### **2.4.6 Economic and Fiscal Impacts of the Future Land Use Plan**

Key economic and fiscal impacts associated with the comprehensive plan for Monroe County include:

- (a) economic impact on the construction industry resulting from a reduced allocation of building permits;
- (b) potential impacts on the Monroe County real property tax roll (fiscal impacts);
- (c) fiscal impacts associated with funding an expanded land acquisition program; and
- (d) fiscal impacts associated with funding required capital improvements.

##### **A. Construction Industry Impacts**

Development capacity limitations associated with levels of service adopted by the Board of County Commissioners on November 13, 1991 will effectively reduce the level of permitted new construction activity in Monroe County. The economic impact of these limitations is discussed below in terms of construction employment and payroll.

Prior to focusing on the specific impacts associated with new construction permit reductions in Monroe County, it is useful to put the construction industry in Monroe County into perspective in terms of its overall significance to the County's economic base. Based on Department of Labor and Employment Security statistics, employment in the construction industry in Monroe County in 1989 represented approximately 6.3 percent of Monroe County's total non-agricultural employment. In 1980 the construction sector accounted for 6.4 percent and according to the latest available information employment in this sector dropped to 5.8 percent in 1990.

The construction sector has historically represented a smaller share of Monroe County's economy than it has statewide. In 1980, construction sector employment in Florida accounted for 7.4 percent of total state employment, declining to 6.6 percent by 1989 (see Figure 2.5).

Average construction employment in Monroe County has fluctuated between approximately 1,300 and 1,900 employees during the past ten years as illustrated in Figure 2.6 (ten year average = 1,660). Based on reported building permit activity, the value of new construction permitted annually during the past ten years has ranged from approximately \$53 million to nearly \$118 million. Annual total wages in Monroe County's construction industry have increased over the past ten years from approximately \$20 million to approximately \$36 million in 1990. The average wage in the construction sector in 1990 was approximately \$20,000.



A comparison of actual average annual employment and wages to anticipated levels under plan constraints represents a meaningful approach to considering the consequent economic impact on the construction industry in Monroe County. Factors used in this comparative analysis include actual construction permit activity during the past ten years as well as employment and wage trends. For the purposes of this analysis it is impractical to statistically separate incorporated and unincorporated areas.

During the period from 1980 through 1990, an average of approximately 1,100 residential units were permitted annually in Monroe County, although not all permits resulted in completed units. The net change in the number of housing units in Monroe County from 1980 to 1990 according to U.S. Census represented an average annual change of approximately 1,000 units.

It is estimated that the County's Permit Allocation System (see Section 2.4.1B) will allow permitting for up to 2,552 residential units in unincorporated Monroe County and up to 1,147 units in the incorporated areas during the ten year period from 1992 through 2002. An estimated 2,087 units will have been permitted from April 1990 through October 1992 (Plan Adoption) assuming that a rate of growth ordinance does not become effective before plan adoption. Therefore, the maximum number of permits from 1990 through 2002 would total 5,786 units representing an annual average of approximately 480 units.

Allowing for permit extensions and other variable factors that affect the time lapse from the date of permit issuance to construction, it is reasonable to assume that some portion of the backlog of estimated permits issued between 1990 and 1992 will not result in construction until sometime after 1992. However, it is reasonable to assume that construction resulting from permits issued prior to October, 1992, would be completed within two to three years following plan adoption. Therefore, while 480 units represent the statistical average used for comparative purposes in this analysis, the actual level of residential construction activity based on the permit allocation policy will vary over the time period of this analysis declining to 255 units per year within two to three years following Plan adoption.

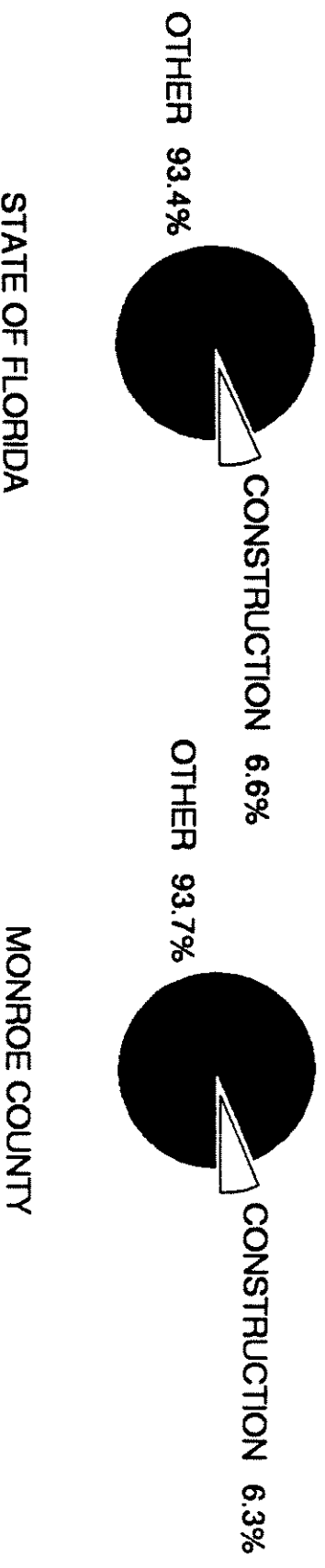
During the past five years, permitted non-residential construction has totaled approximately 250,000 square feet per year. Based on the historical ratio of commercial construction to residential construction, it is estimated that private, non-residential construction would be reduced to an average annual level of approximately 61,000 square feet through 2002. This estimate excludes current and anticipated governmental facilities construction projects.

New construction accounted for approximately 77 percent of total construction activity during the ten year period from 1980 to 1990, 67 percent during the past five years (1986 - 1990) and less than 50 percent in 1990 according to building permit information. In terms of associated value (cost), new residential construction (including hotel/motel units) accounted for approximately 83 percent of the aggregate value of new construction from 1980 to 1990. This excludes residential and non-residential additions, alterations conversions and razings which accounted for over 50 percent of the total estimated value of construction indicated by building permit data for 1990.

The foregoing trend analysis indicates that new construction as a percentage of total construction in Monroe County has been declining over the past decade, dropping to below 50 percent in 1990. Based on the historical ratio of new construction to total construction volume in Monroe County, a 52 percent reduction in new construction activity (reduction in the effective average number of units built from 1,000 to 480) would result in an impact of between 25 and 36 percent on the construction industry as a

FIGURE 2.5

# CONSTRUCTION AS A PERCENT OF TOTAL EMPLOYMENT STATE OF FLORIDA AND MONROE COUNTY 1989



According to U.S. Dept. of Labor ES-202 Reports construction employment dropped to 5.8% of total Monroe County employment in 1990.

FIGURE 2.6

# CONSTRUCTION INDUSTRY EMPLOYMENT MONROE COUNTY, FLORIDA 1981 - 1990

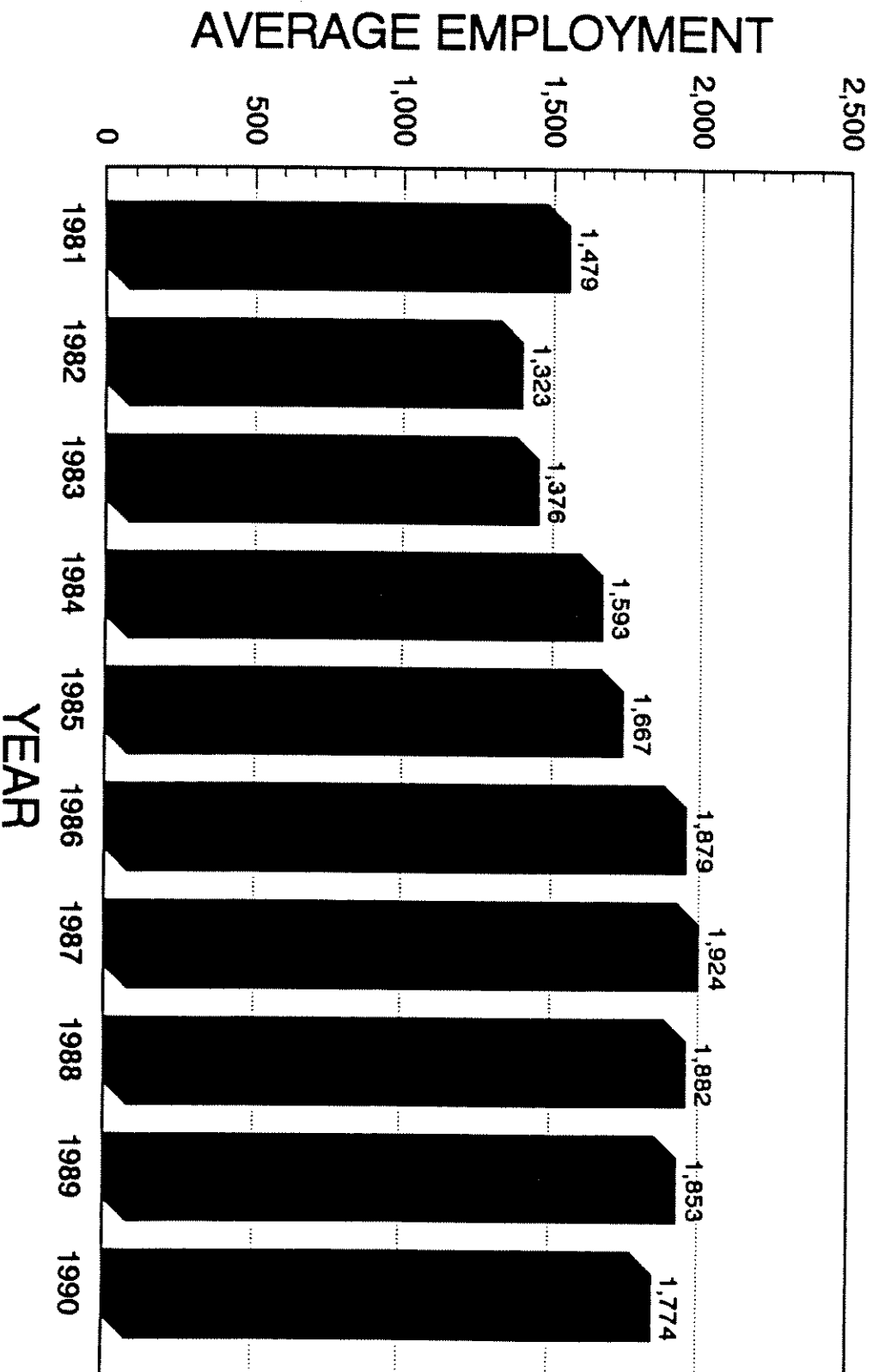
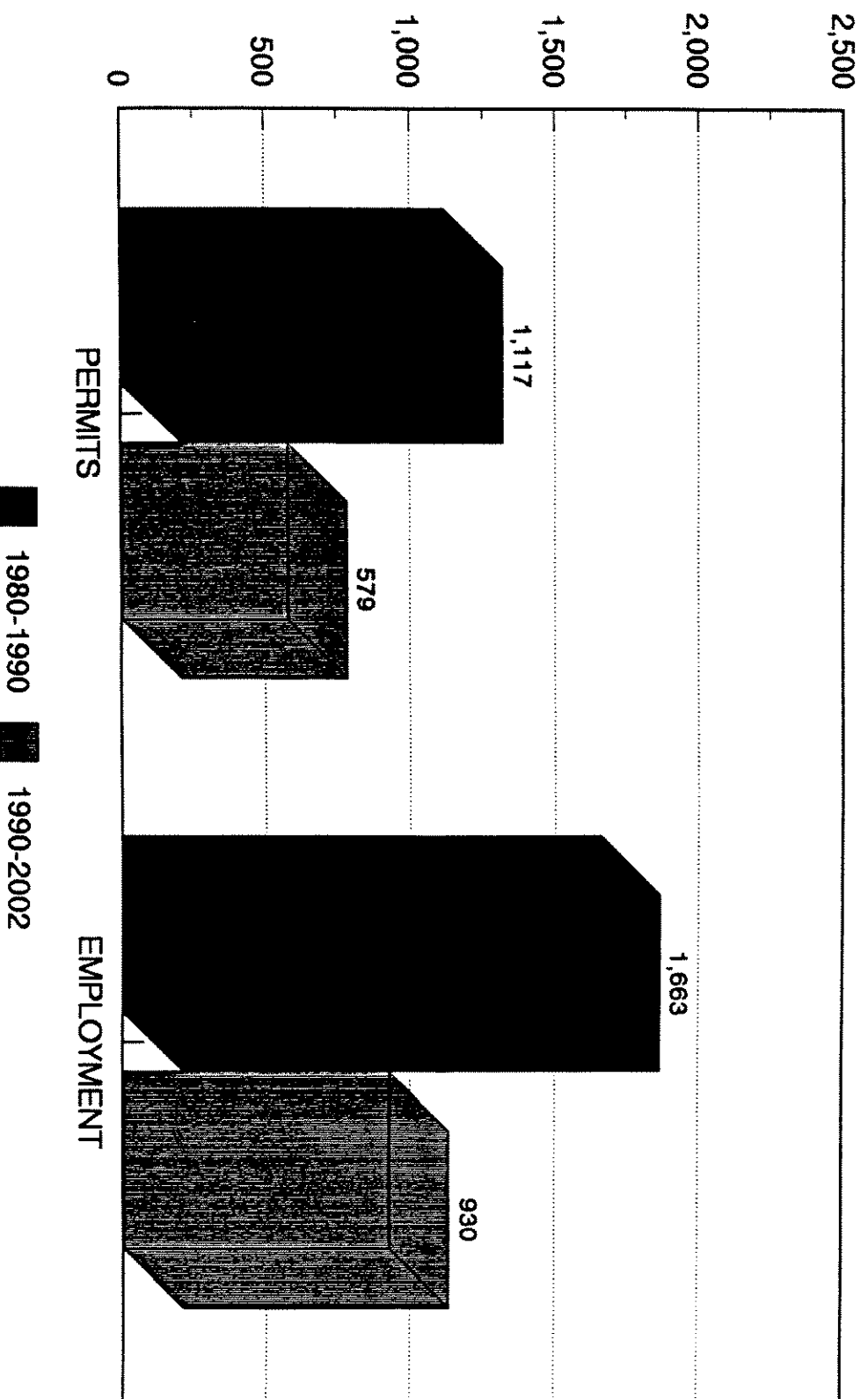


FIGURE 2.7

# COMPARATIVE ANALYSIS OF ANNUAL RESIDENTIAL PERMITS AND CONSTRUCTION EMPLOYMENT HISTORICAL VS. PLANNED CONSTRAINTS



whole (including all types of construction). The 25 percent impact assumes that new construction represents 50 percent of all construction while the 36 percent impact corresponds to an assumption that new construction accounts for 70 percent of total construction.

Losses in the new construction sector could be offset substantially by expansion of other construction activity (additions, alterations etc.). Historical building permit data indicates to this segment of the construction industry in Monroe County increased from less than \$7.0 million in 1980 to over \$80.0 million in 1990.

In terms of construction jobs, these impact scenarios correspond to a potential net reduction in average annual construction employment of between 425 and 590 jobs based on Monroe County's ten year historical average construction industry employment of 1,660. Assuming an average wage of \$20,000 based on 1990 County employment and wage data, impacts resulting from reduced new construction permit levels on construction industry payroll would range from \$8.5 million to \$11.8 million.

The direct impact of employment reductions in the construction sector on total employment (all industries) in Monroe County would amount to between 1.4 and 1.9 percent based on average total employment of approximately 30,400 (1990). The direct impact, in terms of total annual wages, is estimated to be in the range of 1.6 and 2.2 percent based on reported total 1990 wages of \$535.3 million for all industries in Monroe County.

## **B. Impacts on the Monroe County Property Tax Roll**

Development capacity limitations and the point system which will be established to allocate permits can be expected to impact the marketability of some properties. Changes in the market value of real estate are ultimately reflected in the assessed value of properties on the County's property tax roll.

The number of building permits issued in Monroe County will be capped and allocated over the ten-year plan period from 1992 through 2002 (see Section 2.4.1). As shown previously, the number of permits to be issued will be below recent historical permit levels and below trend-based demand projections. According to fundamental economic principles of supply and demand, this constraint on supply would cause general upward pressure on the value of existing and permitted development and properties which are likely to be granted permits under the Point System subject to future market demand levels. However, since potential demand and corresponding changes in values are inherently subject to variable market conditions there is no reasonable and valid basis for quantitative projections of future property values.

The primary mechanism to be used for the allocation of permits will be a Point System (see Section 2.4.1D). The Point System will allow for the use of planning, environmental and other criteria and standards in conjunction with the permitting process. Under the Point System, factors considered to be liabilities will be counted negative points while other development characteristics considered to be assets will be counted as positive points.

Under the Point System, properties that rank high in positive points will have a relatively greater chance of being permitted for development than properties with lower point scores. This system may influence market values of land in Monroe County over time. Developed properties and vacant parcels having high point scores (and thus a relatively higher probability of permit approval) could increase in value subject to market demand. Properties with low point scores, on the other hand, and relatively

lower probability of permit approval, could depreciate in value. Since the Permit Allocation System and Point System do not remove any property from permit eligibility, and since the system incorporates a variety of physical, locational and land use considerations, there is no reasonable and valid basis to make quantitative estimates of the potential net impact of this system on the Monroe County Tax Roll (eg. to determine whether the net effect be to raise or lower the tax base.)

In summary, it is reasonable to anticipate that the market values of developed properties and vacant parcels with high point rankings will be enhanced, while the value of properties with low point rankings and relatively lower probability for permit approval could be negatively impacted. However, these value impacts are subject to future market conditions, a wide range of highly variable factors, and the assessment procedures of the Monroe County Property Appraiser's Office.

Based on a recent analysis of vacant residential and commercial parcels on the Monroe County Tax Roll (excluding Key West), the total aggregate taxable value of approximately 29,780 vacant parcels (only half of which are believed to be buildable under land development regulations already in effect) was approximately \$726 million. At the current millage rate, this value corresponds to tax revenues of \$9.7 million, or less than 16 percent of Monroe County ad valorem tax revenues (excluding Key West).

Although this evaluation places the number and value of properties that theoretically could be impacted by the Permit Allocation System into perspective, the proportion of vacant properties that might decrease in value versus the proportion that might increase in value is indeterminable. The aggregate assessed value of vacant parcels subject to permitting is just as likely to increase as to decrease. In addition, over vacant lots which are not currently considered to be buildable under current land development regulations will not experience any reduction in value due to the Permit Allocation System. Therefore, there is no basis for predicting erosion in the value of Monroe County's property tax roll.

### **C. Funding an Expanded Land Acquisition Program**

In conjunction with the County's permit allocation system, an expanded land acquisition program is envisioned both to assure equitable treatment of property owners who may be adversely impacted by the permit allocation system and to advance public objectives such as influencing development patterns and conservation of environmentally sensitive lands.

The ultimate scope of an expanded land acquisition program would be subject to a number of variable factors including future market conditions. However, a reasonable approach for estimating the potential 'order-of-magnitude' fiscal impact of an expanded land acquisition program by Monroe County is to assume the acquisition of some portion of those parcels representing the increment between anticipated permit demand assuming no constraints on growth and the number of permits to be issued under the constraints established by the hurricane evacuation policy.

Trend based projections of residential demand in unincorporated Monroe County from 1990 through 2002 assuming no constraints on permit availability, are for an average of 685 units per year. The volume of permits to be issued in unincorporated Monroe County during that same period under the constraints associated with hurricane evacuation policy is estimated to be 2,087 units during the 1990-92 period and 255 units per year from 1992 through 2002, representing an average over the entire period of 387 units per year. The resulting annual difference between unconstrained and constrained permit levels would amount to approximately 298 units per year.

Based on the analysis of vacant lands presently on the Monroe County Tax Roll mentioned in the preceding section, the current average value of a vacant residential parcel is approximately \$26,000. It is reasonable to assume that some portion of vacant residential parcels have values considerably lower than the indicated average value due to inferior locational attributes or physical qualities that may limit their potential for development and marketability. A recent report by the Joint Legislative Management Committee regarding P2000 Land Acquisitions indicated that the \$42.0 million of acquisitions in Monroe County during 1991 represented a property tax revenue impact on the county of only \$221,229, reinforcing the assumption that properties subject to acquisition tend to have relatively low values.

It is also reasonable to assume that parcels characterized by negative locational and physical attributes in terms of development potential would, by their nature, have relatively low values and probably rank low in the point system. Under the permit allocation system, as defined, a property could be submitted to the County for possible acquisition by the County if a legitimate permit application has been denied for four consecutive years. Of course, other options are available to owners including transfer of development rights (TDR's) or property donation.

In order to establish order-of-magnitude estimates of the potential range of cost associated with an expanded land acquisition program, a series of assumptions have been defined. The initial assumption is that the effective average annual surplus of permit applications amounts to the equivalent of about 298 units as previously estimated.

A second key variable concerns the proportion of property owners who would remain in the permit application process for four consecutive years. For the purpose of this analysis, it is assumed that the percentage of applicants remaining in the process for four years will range from 75 to 100 percent.

A third key variable assumption in this analysis involves the proportion of property owners/applicants choosing to seek purchase as opposed to other available options such as TDR's or donation. In this analysis of two hypothetical scenarios it is assumed that 70 to 90 percent of applicants denied four consecutive years will choose to pursue acquisition by the County versus other options.

A final variable factor is the value of the property subject to potential acquisition. As discussed previously, properties susceptible to low point scores under the permit allocation system and subject to repeated denial of permits are likely to be properties with relatively low values. This analysis assumes that the value of acquisition properties ranges between 50 and 75 percent of the current average market value of all vacant parcels.

The application of the foregoing assumptions is shown in Table 2.36 illustrating two hypothetical acquisition cost scenarios.

Based on this analysis, the average annual cost of an expanded land acquisition program beginning in plan year 5 (FY 1997-98) under the defined scenarios could range from \$2.0 million to \$5.2 million.

#### **D. Funding Required for Capital Improvements**

The fiscal impacts of funding capital improvement costs associated with the comprehensive plan are discussed fully in the Capital Improvements Element.

**Table 2.36**  
**Potential Land Acquisition Costs**

<b>Assumptions</b>	<b>Land Acquisition Program Cost Scenario</b>	
	<b>A</b>	<b>B</b>
Effective average annual permit denials	298	298
Denied applicants remaining in the permit process four consecutive years	75% 224	100% 298
Eligible applicants electing purchase versus other options	70% 156	90% 268
Average value of acquisition parcels(Percent of average vacant parcel value per current tax roll = \$26,000)	50% \$13,000	75% \$19,500
Potential annual cost of expanded land acquisition program (beginning in Plan Year 5) (1992 dollars)	\$2,028,000	\$5,229,900

#### **2.4.7 Impacts of the Future Land Use Plan on Areas of Critical County Concern**

##### **A. Big Pine Key ACCC**

Issues of concern regarding the Big Pine Key ACCC include localized traffic capacity constraints on US 1 and potential impacts to the endangered Key deer associated with further development on Big Pine Key.

##### **Capacity Constraints**

The Future Land Use Plan will allocate growth consistent with public facility and service constraints. For Big Pine Key, the concurrency constraint is traffic circulation, namely US 1 between MM 29.5 and 33. Based on current travel speed traffic constraints, the remaining capacity on Big Pine Key is approximately 17 dwelling units. As part of the Future Land Use Plan, three transportation system management improvements will be implemented in order to remove the present concurrency constraint:

- (a) a continuous two-way left turn lane will be constructed between MM 30.4 and MM 31.1 (e.g. three-laning). This will reduce flow interruptions associated with the commercial areas and the bay side intersections at First Street, Sands Avenue, County Road and Cunningham Lane;



- (b) traffic signals will be retimed to ensure a maximum green time for US 1 traffic; and
- (c) a center left turn lane on US 1 will be extended south from MM 29.8 (Lobster Tail Drive) to Ships Way. This relatively minor (approximately 500 feet) widening will facilitate smoother access into the marine commercial uses and to Cahill Court on the ocean side of US 1.

These improvements will cost approximately \$504,000 and will increase the reserve capacity on Big Pine Key to approximately 191 dwelling units. These units will be allocated under the Permit Allocation System over the ten year planning period (1992 to 2002). Therefore, development will be allowed to occur on Big Pine Key, but at a far lower rate than projections based on historic trends. These 191 dwelling units represent approximately 6 percent of the total of 2,919 vacant buildable lots on Big Pine Key.

In recognition of traffic circulation as a potential long-term concurrency constraint on Big Pine Key, Monroe County will initiate a traffic engineering study to determine the feasibility, cost and environmental impacts of widening US 1 to four-lanes on Big Pine Key to further increase the reserve capacity on US 1. This study will consider, at a minimum, the costs, feasibility and environmental impacts of a four-lane section with elevated roadways, frontage roads and Key deer underpasses, and a four-lane at-grade section with a fencing program along US 1 to prevent Key deer crossing.

#### **Permit Allocation System and Potential Impacts on the Key Deer**

The Permit Allocation System are expected to reduce the amount and density of development in habitat areas of the Key deer below historic trend levels. The Point System will discourage development proposed within habitat needed for the successful maintenance of the Key deer in its natural environment, including:

- (a) lands within the existing National Key Deer Refuge present acquisition area;
- (b) lands within movement corridors (Priority I, II and III Lands) identified by the FWS (U.S. FWS 1991); and
- (c) lands within the Coupon Bight CARL project acquisition area.

In addition, the Point System will serve to reduce the consumption and fragmentation of Key deer habitat by encouraging:

- (a) voluntary density reductions through proposed developments which aggregate multiple aggregations of platted lots at less than the maximum permitted density; and
- (b) are proposed on disturbed or scarified lands.

#### **Land Use Categories**

As part of the Future Land Use Plan, the "ACCC" designation on all land within the Big Pine Key ACCC will be removed and replaced with zoning categories consistent with the land use categories shown on the Future Land Use Map. These land use categories have been determined based on natural resource constraints as well as the degree of existing improvement as described below:

- (a) all subdivisions currently designated IS (ACCC), within which improvements are in place and which are substantially developed or disturbed (i.e., Port Pine Heights, Eden Pines Colony, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Medium land use category;
- (b) all subdivisions currently designated SS (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Heights, Pine Ridge, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Low land use category;
- (c) all subdivisions currently designated (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Key Acres and the western portion of Palm Villa within the ACCC), shall be assigned a zoning category consistent with the Residential Low land use category;
- (d) all other subdivisions currently designated (ACCC) but within which there is little or no disturbance or development (i.e., Sea View, Pine Grove, and Pine Crest), shall be assigned a zoning category consistent with the Residential Conservation land use category; and
- (e) all unplatted, unsubdivided land will be assigned a zoning category consistent with the Residential Conservation land use category.

These land use categories are consistent with the natural resource value of these lands. All potential development, regardless of the underlying maximum permitted densities, will be subject to all federal, state and local regulations.

#### **Habitat Protection and Enhancement**

As part of the Future Land Use Plan, a number of land development regulations and habitat enhancement measures will be implemented to protect the habitat of the Key deer. These include:

- (a) revision of the Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990) to give greater consideration to the habitat of species of special status, including the Key deer;
- (b) revision of clustering requirements to require development be clustered on the least sensitive portion of a parcel;
- (c) an assessment of needs, alternative designs and sites (including sites not located on Big Pine Key), and potential impacts of siting new public facilities on Big Pine Key; and
- (d) additional measures related to reducing human impacts on the Key deer, including roadside management techniques to reduce road kills, enforcement of speed limits, animal control laws, and feeding laws, and efforts to improve habitat quality such as the removal of invasive species and the incorporation of management guidelines into development orders.

### **Land Acquisition**

As part of the Future Land Use Plan, Monroe County will support the efforts of federal and state agencies and non-profit conservation organizations to acquire land for conservation purposes within the habitat areas of the Key deer. In addition, the Comprehensive Plan calls for the establishment of the Monroe County Natural Heritage and Park Program. The principal purpose of this program will be to acquire land and open space in the public interest for conservation and recreation purposes. As part of this program, Monroe County will identify Key deer habitat areas as priority acquisition, with emphasis placed upon acquisition of movement corridors, sources of fresh water, and undisturbed native vegetation areas which are located within Improved Subdivisions.

### **B. North Key Largo ACCC**

As established in Section 2.1.5B, many of the concerns for which the North Key Largo ACCC was established have largely been resolved by active land acquisition programs by the FWS and the Florida DNR. The Future Land Use Plan will regulate the privately-owned lands in North Key Largo consistent with their natural resource value and will direct growth away from environmentally sensitive areas.

### **Permit Allocation System and Potential Impacts on Habitat of Threatened and Endangered Species**

Development will be permitted in North Key Largo consistent with the provision of adequate public facilities and services and all other provisions of the Comprehensive Plan. The Point System will discourage development proposed within hammocks used by the Schaus' swallowtail butterfly and that are located on units of the Coastal Barrier Resources System. In addition, the Point System will serve to reduce the consumption and fragmentation of hammock vegetation by encouraging:

- (a) voluntary density reductions through proposed developments which aggregate multiple aggregations of platted lots at less than the maximum permitted density; and
- (b) developments that are proposed on disturbed or scarified lands.

### **Land Use Categories**

As shown on the Future Land Use Map series, most of the land within the North Key Largo ACCC is currently in public ownership for conservation purposes as part of the Crocodile Lake National Wildlife Refuge or the Key Largo Hammock Botanical Site. Most of the privately-owned land has been designated Residential Conservation, consistent with the natural resource constraints in these areas. The remaining areas which have been designated Residential Medium are located in improved subdivisions characterized by disturbed or scarified vegetation.

### **Habitat Protection and Enhancement**

As part of the Future Land Use Plan, a number of land development regulations and other activities will be implemented to protect the habitat of the four endangered species within the North Key Largo ACCC. These include:

- (a) revision of the Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990) to give greater

consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly;

- (b) revision of clustering requirements to require development be clustered on the least sensitive portion of a parcel;
- (c) an assessment of needs, alternative designs and sites, and potential impacts of siting new public facilities in North Key Largo; and
- (d) additional measures to protect the habitat and prohibit the destruction of the American crocodile (see Conservation and Coastal Management Element Section 3.13.4B), Schaus' swallowtail butterfly (see Conservation and Coastal Management Element Section 3.13.19B), the Key Largo wood rat (see Conservation and Coastal Management Element Section 3.13.13B) and the Key Largo cotton mouse (see Conservation and Coastal Management Element Section 3.13.16B).

#### **Land Acquisition**

As part of the Future Land Use Plan, Monroe County will support the efforts of federal and state agencies and non-profit conservation organizations to acquire land for conservation purposes within the North Key Largo ACCC. In addition, the Comprehensive Plan calls for the establishment of the Monroe County Natural Heritage and Park Program. The principal purpose of this program will be to acquire land and open space in the public interest for conservation and recreation purposes. As part of this program, Monroe County will identify native upland habitats used by the Schaus' swallowtail butterfly, the Key Largo wood rat and the Key Largo cotton mouse as priority acquisition sites for conservation purposes. Emphasis will be placed upon acquisition of native upland sites which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the Crocodile Lake National Wildlife Refuge) and Florida DNR (for the Key Largo Hammock CARL Project).

#### **C. Windley Key/Holiday Isles ACCC**

The focal point plan prepared for the Windley Key/Holiday Isles ACCC addresses the parking, circulation, and pedestrian safety concerns which brought about the ACCC designation. As shown on the Future Land Use Map series, the ACCC designation will be removed from the Windley Key/Holiday Isles area and it will be assigned a zoning classification consistent with the Mixed Use/Commercial land use category. The Monroe County Growth Management Division will oversee the implementation of the focal point plan, including the resolution of outstanding issues related to pedestrian safety.

#### **D. Ohio Key ACCC**

The Ohio Key ACCC was established to address the potential impacts on the wetland system on the Key that serves as a habitat for a variety of wading birds, including the threatened piping plover. The potential development on the Key has been addressed in the Land Development Regulations (Monroe County BOCC, 1990).

### **Land Use Categories**

The Future Land Use Plan will remove the ACCC designation for Ohio Key and replace it with a zoning category consistent with the Mixed Use/Commercial land use district on the Future Land Use Map. Although the ACCC designation will be removed, the development limitations and design and use criteria established in the Land Development Regulations to protect the habitat for the wintering grounds of the piping plover on Ohio Key will be retained (Monroe County BOCC, 1990). Potential development on the Key will be required to comply with these regulations and with all other federal, state, and local regulations.

### **Permit Allocation System**

Under the Permit Allocation System, new or expanded hotel/motel development, including recreational vehicle spaces or campsites, until September 30, 1997. This prohibition will apply to the recreational vehicle spaces or campsites currently permitted by Section 9.5-478 of the Land Development Regulations (Monroe County BOCC, 1990).

By September 30, 1997, Monroe County shall either extend this prohibition until September 2002 or revise the Permit Allocation System to allocate a percentage of the residential growth to transient residential units. If the prohibition on transient units is lifted, all hotel/motel development will be allocated through the Point System. The Point System will discourage developments which may adversely impact activities of the piping plover on their wintering grounds. Measures of impact will be established by the Monroe County Biologist.

## **2.4.8 Impact of the Future Land Use Plan on Historic Resources**

The Future Land Use Plan will have a positive impact on historic resources such as archeological sites, historic buildings and structures, and historic districts. The County currently has no established system to protect historic resources. Implementation of the policies contained in the Policy Document will establish a system for designating historic resources and evaluating the impact of development on designated historic resources.

The Future Land Use Map series of the Map Atlas shows a Historic District Overlay in two districts: Tavernier and Pigeon Key. These districts are designated because they contain documented individual historic sites or structures located in close geographic proximity. The specific controls regulating development in the Historic Overlay District will be implemented through revised Land Development Regulations. Generally, the desired impact of development controls in historic districts is not to halt new development or renovation, but to encourage or require that the results of construction activities are compatible with the special, physical character of the district. Through the designation of Historic District Overlay areas, and the imposition and enforcement of development controls in these areas, the Monroe County Future Land Plan will enable the County to retain and enhance the special features which make such areas notable and significant.

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